Descriptive Statistics on the Operations of Qualified High Technology Businesses From 2002 Through 2008

Addendum to the Report of September 2008



Department of Taxation State of Hawaii September 2009

Table of Contents

Table of Contents	i
Introduction	1
Section I - Data Collection Methodology	2
Section II - Highlights of 2008 Findings on the Operations of Qualified High Technology Businesses and Investment Credits Claimed	3
Section III - Detailed Data on QHTBs Operations in Calendar Year 2008 and on Claims for the Research Credit in Tax Year 2007	4
Acknowledgements	6
Appendix A - Tables	7
Table 1 - Cash Investment Received by QHTBs, by Year (2008 Filers)	8
Table 2 - High Technology Business Investment Tax Credits Claimed for	
Tax Years 1999 Through 2007	
Table 3 - 2008 Hawaii Revenues and Expenses (2008 Filers)	
Table 4 - Cash Investment Received, by Quarter (2008 filers)	
Table 5 - Salaries of Full-Time Hawaii Employees of QHTBs in 2008 (2008 Filers)	12
Table 6 - Annualized Salaries of Part-Time Hawaii Employees of QHTBs	40
in 2008 (2008 Filers)	13
Table 7 - Number and Duration of Temporary or Seasonal Hawaii Workers and	4.4
Independent Contractors Hired by QHTBs in 2008 (2008 Filers)	14
Table 8 - Research Credits Claimed and General Excise Tax Paid by QHTBs in 2008 (2008 Filers)	15
Table 9 - The 116 QHTBs Receiving Investment after June 30, 2007	10 26
Table 0 - The Tre Wittes Neceiving investinent after Julie 30, 2007	10

Descriptive Statistics on the Operations of Qualified High Technology Businesses From 2002 Through 2008

Introduction

This report responds to the requirements of Act 206, Session Laws of Hawaii of 2007. The Act directs the Department of Taxation (DOTax) to conduct an annual survey, using electronic forms, to gather information on the operations of qualified high technology businesses (QHTBs) and to report the information to the Legislature. Last year was the first submission pursuant to Act 206. This report supplements the report provided in September 2008 that covered the years 2002 through 2007 and incorporates information collected for calendar year 2008. The Act also requires the Department to submit a report in December of each year, analyzing the impact of the high technology business investment tax credit on Hawaii's economy. The information gathered for the September report will be used to support the analysis in the December report.

This report is divided into three sections. Section I describes the process used this year to collect the required data. Section II summarizes the main findings on the operations of QHTBs that filed the annual survey for 2008 and the tax credits granted to these entities. Section III provides more detailed data on the operations of these QHTBs, including data on their activities, on their employment, on the investments they received, and on the research credits that they claimed (the tax credit for research activities made available by section 235-110.91, HRS).

It should be noted that the data in this year's report do not reflect the effects of changes to the high technology investment tax credit made by Act 178 of 2009.

Section I

Data Collection Methodology

To comply with the requirements of Act 206, the State Department of Taxation redesigned Form N-317 in 2008. This form (Form N-317, "Statement of a Qualified High Technology Business") was redesigned in 2008 with the help of the representatives of the technology industries. The form requests data on the number of workers employed by the QHTBs, the wages paid to their employees, and the expenses incurred by the QHTBs. The form for 2008 was modified slightly to capture data on general excise taxes paid by the QHTBs.

All QHTBs that accepted investments in calendar years 2003 through 2008, or that were eligible to receive tax credits during this six-year period, are required to file Form N-317 for calendar year 2008. The filing deadline was June 30, 2009.

This year a total of 180 firms completed and submitted Form N-317 by the June 30, 2009 deadline. This compares to a total of 177 firms that filed the form for tax year 2007. Despite efforts to encourage full compliance, the Department underscores that the participation rate is roughly 50%. Only 180 out of the universe of 364 QHTBs required to file Form N-317 actually filed the form for calendar year 2008. The State of Hawaii hopes that concerned industry officials will encourage their colleagues to file Form N-317 so that a more accurate and comprehensive analysis of the industry can be performed.

⁻

¹ Of the 180 QHTBs that filed the 2008 annual survey (i.e., Form N-317 by the June 30, 2009 deadline, 31 were new QHTBs that had never previously filed a Form N-317. Because the pre-2008 universe of QHTBs that had ever filed an annual survey (i.e., Form N-317) was 333 QHTBs, the addition of 31 new QHTBs to the 333 QHTBs gives rise to a total of 364 QHTBs. Thus, roughly 50% (180/364) of the universe of QHTBs filed the annual survey in 2008 by the June 30, 2009 deadline. Furthermore, approximately 32 QHTBs that received cash investments in 2008 per certification records apparently did not file the 2008 annual survey by the June 30, 2009 deadline. The Department plans to notify these 32 QHTBs and assess the appropriate penalties.

Section II

Highlights of 2008 Findings on the Operations of Qualified High Technology Businesses and Investment Credits Claimed

As shown in Table 1, a total of 180 QHTBs filed Form N-317 for calendar year 2008. These QHTBs (the "2008 filers") received a total of \$254.8 million in cash investments in 2008. This compares to \$291.1 million received in 2007. The cumulative total of investments made since 2000 in the 2008 filers is \$1.285 billion, which represents the total accumulated exposure of the State to potential claims for the investment credit created by investments in these QHTB.² The 2008 filers claimed a total of \$13.4 million in research credits in 2008 (see Table 8). This compares to a total of \$14.9 million reported last year by the 2007 filers.

For tax years 1999 through 2007, investors have claimed a total of \$441.1 million in investment credits (see Table 2). This represents 34% of the total tax credit liability. Thus, the total possible <u>additional</u> credits that could be claimed by investors in these companies is \$844.6 million. This figure represents the "carryovers" -- the "tail of the tax credits" (or subsequent years' credits) -- since investors are allowed to claim these credits over a five-year period or until used,³ and the State remains obligated to honor these tax credit claims, thus reducing the State's actual revenues.

Expenses continue to outpace revenues for the 2008 filers, indicating the majority of the reporting QHTBs were not profitable in 2008. As shown in Table 3, the 2008 filers had total revenues of \$194.3 million and total expenses of \$363.1 million.

The 2008 filers reported a total of 1,375 full time employees, 156 part-time employees, and 242 temporary and seasonal workers, and they employed 2,781 independent contractors (see Tables 5, 6, and 7). This compares with 1,450 full time workers, 154 part-time workers, 641 seasonal or temporary workers, and 2,118 independent contractors reported by the 2007 filers.

² The cumulative total of investments of \$1.285 billion is the amount reported by the 180 QHTBs that filed an annual survey (i.e., Form N-317) by June 30, 2009

Because these investments credits are nonrefundable, such credits may only be claimed against actual tax liabilities, and any excess is generally carried forward until exhausted.

Note that comparisons with prior year data should recognize that the universe of firms reporting may not be the same. Comparison data is provided to help legislators and policy makers identify trends.

Section III

Detailed Data on QHTBs

Operations in Calendar Year 2008 and on Claims for the Research Credit in Tax Year 2007

As in previous years, the data collected from Form N-317 are presented according to the activity category of the QHTB. Specifically, the data are presented for the following seven activity categories:

- Biotechnology
- Computer software
- Non-fossil fuel energy
- Performing arts
- Ocean sciences
- Research as defined by the IRS Code Section 41(d)
- Multiple activities for QHTBs engaged in more than one of the above activities

Table 1 provides the cash investments received by each of seven categories and by tax year. Table 1 also provides a breakdown on the number of QHTBs engaged in each of the 7 categories. Of the 180 QHTBs that filed Form N-317 for 2008, 48 were engaged in multiple activities, 44 were engaged in the performing arts, 37 were engaged in computer software activities, and the remaining 51 were spread among the other four categories. As shown in Table 1, QHTBs in the performing arts category accounted for \$109.5 million out of the total of \$254.8 million in cash investments received by the 2008 filers. The second largest category was non-fossil fuel energy. QHTBs in this activity category received investments totaling \$47.8 million in 2008.

Table 2 provides by tax year: (a) the number of credit claims; (b) total dollar value of credit claims; and (c) credits claimed by type of taxpayer, such as individuals, corporations, financial corporations, insurance underwriters, fiduciaries, and exempt organizations.

Table 3 displays the revenues and expenses of the firms that received Act 221/Act 215 tax credit investments in 2008. As indicated in Section II, expenses significantly outpaced revenues for these firms, resulting in negative cash flows for the bulk of the firms receiving tax credit assistance. The only exception was non-fossil fuel energy companies that reported slightly higher revenues than expenditures for the year. The largest category of expenses incurred by these firms was for payroll costs, which totaled \$119.1 million in 2008.

Table 4 reaffirms that the bulk of the investments occurred in the fourth quarter of the calendar year. Of the \$254.8 million invested in 2008, 54.8% (\$139.7 million) was invested during the final months of the year, as taxpayers determined their tax liabilities in Hawaii and made decisions to offset these liabilities through investments in QHTBs.

Table 5 provides salary information for the 1,375 full time employees reported on the payrolls of the 2008 filers for the last pay period of the year. As shown in the table, slightly over one third of the employees earned between \$30,000 and \$60,000 per year. Another third earned between \$60,000 and \$100,000 per year. The balance earned salaries above or below these ranges.

Table 6 shows the distribution of annualized salaries for the 156 part-time Hawaii employees reported by these QHTBs. The bulk of these individuals (90%) earned less than \$30,000 per year.

Table 7 shows that the 2008 filers employed a total of 242 temporary or seasonal workers. Most of these workers were employed for less than 30 days. The table also shows that the 2008 filers hired a total of 2,781 independent contractors. Most of the independent contractors (76% or 2,111) were hired by QHTBs engaged in the performing arts.

Table 8 shows that the 2008 filers claimed research credits of \$13.4 million during 2008. Research credits are designed to encourage firms to engage in scientific research and product development activities. More than half of the research credits

were claimed by firms in the multiple activities category. Table 8 also shows that the QHTBs reported paying \$2.1 million in general excise tax (GET) in 2008. Most of the QHTBs likely do not pay corporate income tax because they do not have profits. The data on GET were gathered for the first time for 2008 to help gauge the taxes that these firms pay to help offset the revenue cost of the investment credit and the research credit.

Table 9 lists the names of all 116 QHTBs that received investments after June 30, 2007.

Acknowledgements

This report responds to the requirement set forth in Act 206 of 2007 that the Department of Taxation survey qualified high technology businesses each year and submit a report to the Legislature on the data collected in the survey.

Act 206 also requires the Department to submit a report in December of each year, analyzing the impact of the high technology business investment tax credit on Hawaii's economy. The information contained in the September report will be used to provide the December analysis.

DOTax wishes to acknowledge the work of the staff that compiled this data and also to express appreciation to the 180 QHTBs that prepared and submitted Form N-317 by the June 30, 2009 deadline.

APPENDIX A

TABLES

Table 1. Cash Investment Received by QHTBs, by Year (2008 Filers)

Activity					×	Year Investment Received	Received			
		2000	2001	2002	2003	2004	2005	2006	2007	2008
Research as in IRC Sec. 41(d)	13	\$0	\$0 \$2,500,000 \$11,600,0	\$11,600,000	\$10,190,000	\$13,000,000	\$10,434,302	\$9,122,741	\$27,840,100	\$15,360,136
Biotechnology	16	150,000	1,837,350	2,672,797	8,940,252	10,373,230	14,647,450	24,603,406	17,800,506	16,156,665
Computer Software	37	270,004	1,765,004	12,953,504	6,371,500	9,637,035	13,859,514	25,817,861	42,528,562	26,782,573
Non-fossil Fuel Energy	19	0	450,000	052'6	5,771	928,246	2,861,839	5,858,682	57,602,612	47,834,044
Performing Arts	44	0	20,000	853,748	3,340,795	104,257,146	87,572,084	89,226,058	88,722,720	"
Ocean Science s	3	0	0	0	0	3,900,000	2,385,348	5,639,749	5,090,840	1
Multiple Activities	48	148,427	3,336,333	35,397,338	37,472,817	52,843,653	41,492,081	71,087,341	51,480,381	38,347,911
TOTAL	180	\$568,431	180 \$568,431 \$9,908,687 \$63,487,	137	\$66,321,135	\$66,321,135 \$194,939,310 \$173,252,618 \$231,355,838 \$291,065,721 \$254,820,008	\$173,252,618	\$231,355,838	\$291,065,721	\$254,820,008

Table 2. High Technology Business Investment Tax Credits Claimed ¹ for Tax Years 1999 through 2007

	Total No.				Financial	Insurance		Exempt
Year	of Claims	Total Credit	Individuals	Corporations	Corporations ²	Underwriters	Fiduciaries	Organizations
1999	23	\$162,208	N/A	N/A	N/A	N/A	N/A	N/A
2000	103	393,633	N/A	N/A	N/A	N/A	N/A	N/A
2001	268	9,579,923	\$3,334,260	\$225,205	\$4,209	\$6,013,757	\$2,492	N/A
2002	493	26,185,181	11,191,036	1,710,041	1	13,057,896	226,208	N/A
2003	652	38,870,301	13,360,232	3,855,197	2,100,658	19,391,764	162,450	N/A
2004	1,040	50,543,285	26,858,573	994,571	1,599,658	20,714,206	376,277	N/A
2002	1,216	69,827,709	38,111,997	3,428,405	2,286,892	25,293,046	700,845	\$6,524
2006 ³	1,842	105,407,136	59,622,619	8,471,761	10,146,111	26,732,870	431,802	1,973
2007	2,235	140,139,109	82,717,224	9,478,054	15,669,335	29,913,337	2,336,416	24,743
Totals	7,872	\$441,108,485	\$235,195,941	\$28,163,234	\$31,806,863	\$141,116,876	\$4,236,490	\$33,240
								1

Source: Tax Research and Planning Office.

 $^{^{\}mathrm{1}}$ Tax credits actually used (deducted from Hawaii income taxes due).

 $^{^2}$ Financial corporations are defined as corporations that file Form F-1, the Franchise Tax return.

³ Revised due to late filers.

Table 3. 2008 Hawaii Revenues and Expenses (2008 Filers)

								Scientific	Performing	Other
				Non-Cash	Interest	Capital		Contractor	Arts Contract	Contractor
Activity		Revenues	Expenses	Expenses	Expenses	Expenditures	Payroll	Expenses	Expenses	Expenses
Research as in IRC Sec. 41(d)	13	\$9,854,536	\$29,762,310	\$574,176	\$28,832	\$993,961	\$8,685,897	\$1,644,212	\$0	\$0 \$13,228,894
Biotechnology	16	9,661,922	26,444,223	969,736	100,395	685,552	10,633,563	2,433,603	0	1,235,585
Computer Software	37	31,705,256	55,699,108	3,206,844	594,950	2,316,175	26,989,669	1,290,691	94.200	2.190.362
Non-fossil Fuel Energy	19	27,496,410	21,138,330	3,829,772	131,872	29,135,989	3,339,740	1,554,033	0	981.075
Performing Arts	44	3,869,955	95,578,838	601,466	36,010	1,946,985	1,540,164	200	64.766.492	97 946
Ocean Science s	3	5,729,775	7,150,817	114,258	183,814	754,234	1,358,821	86,003	0	16,414
Multiple Activities	48	105,984,038	127,308,205	4,728,888	549,822	4,576,637	66,561,326	11,685,003	451.470	4 970 264
TOTAL	180	\$194,301,892	\$363,081,831	\$14,025,140 \$1,625,695	\$1,625,695	\$40,409,533	\$119,109,180	ام	\$65.312.162 \$22.720.540	\$22.720.540

Table 4. Cash Investment Received, by Quarter (2008 Filers)

Year of Investment	Q1	Q2	Q 3	04	Year Total
2000	\$98,427	\$50,000	\$220,000	\$200,004	\$568,431
2001	347,408	155,000	787,129	8,619,150	9,908,687
2002	15,214,759	8,975,762	5,743,782	33,552,834	63,487,137
2003	9,972,926	4,227,675	5,108,975	47,011,559	66,321,135
2004	6,596,078	71,872,173	21,207,229	95,263,830	194,939,310
2002	24,105,393	27,456,755	24,952,100	96,738,370	173,252,618
2006	23,958,016	24,603,036	35,489,333	147,305,453	231,355,838
2007	23,281,344	27,410,512	101,071,939	139,301,926	291,065,721
2008	35,960,442	34,000,402	45,128,050	139,731,114	254,820,008

Table 5. Salaries of Full-Time Hawaii Employees of QHTBs in 2008 (2008 Filers)

Activity	NO	ber of Full-Time Emp	Number of Full-Time Employees Earning a Salary of	ry of	Total as of the week of 12/12/08	Total as of the week of 12/12/07
	\$0 - \$30,000	\$30,000 - \$60,000	\$30,000 - \$60,000 \$60,000 - \$100,000 \$100,000 or more	\$100,000 or more		
Research as in IRC Section 41(d)	0	44	43	17	104	91
Biotechnology	4	37	30	23	94	100
Computer Software	39	149	123	45	356	336
Non-fossil Fuel Energy	7	23	13	6	52	43
Performing Arts	11	13	3	1	28	14
Ocean Science s	0	17	2	3	22	27
Multiple Activities	43	217	269	190	719	640
TOTAL	104	005	483	288	1,375	1,251

Table 6. Annualized Salaries of Part-Time Hawaii Employees of QHTBs in 2008 (2008 Filers)

Activity	Jonish	Towit the Open Co			
		er or Part-Time Emp	Number of Part-Time Employees Earning a Salary of	ry ot	Total
	\$0 - \$30,000	\$30,000 - \$60,000	\$30,000 - \$60,000 \$60,000 - \$100,000 \$100,000 or more	\$100.000 or more	
Research as in IRC Section 41(d)	4	2	0	0	9
Biotechnology	8	3	4	2	17
Computer Software	18	6	3	0	30
Non-fossil Fuel Energy	12	0	0	0	12
Performing Arts	15	1	0	0	16
Ocean Science s	1	0	0	0	
Multiple Activities	46	17	6	2	74
TOTAL	104	32	16	4	156

Table 7. Number and Duration of Temporary or Seasonal Hawaii Workers and Independent Contractors Hired by QHTBs in 2008 (2008 Filers)

Activity		Number of Temporar	r of Temporary Workers Hired for		Total	No. of Independent
	0 - 30 Days	31 - 60 Days	61 - 90 Days	91 - 365 Days		
Research as in IRC Section 41(d)	0		0	9	7	80
Biotechnology	0	2	3	1	9	95
Computer Software	4	5	9	10	25	160
Non-fossil Fuel Energy	0	0	0	0	0	46
Performing Arts	144	9	3	0	153	2 111
Ocean Science s	0	0	0			9
Multiple Activities	10	12	17	11	50	283
TOTAL	158	26	29	29	242	2.781

Table 8. Research Credits Claimed and General Excise Tax Paid by QHTBs in 2008 (2008 Filers)

	Research Credit	General Excise Tax
	Claimed	Paid
Research as in IRC Section 41(d)	\$1,923,245	\$75,345
Biotechnology	1,441,940	393,120
Computer Software	1,716,688	432,886
Non-fossil Fuel Energy	391,763	319,629
Performing Arts	0	84,002
Ocean Science s	15,518	58,725
Multiple Activities	7,957,517	742,949
TOTAL	\$13,446,671	\$2,106,656

Table 9. The 116 QHTBs Receiving Investment After June 30, 2007.

ABR, LLC	HOCOR CARDIOVASCULAR TECHNOLOGIES LLC	Ocean Network LLC
AEOS SYSTEMS, LLC	Hoike Services Inc.	Pacific Agriculture Research Co. LLC
AIG HAWAII PACIFIC TECHNOLOGIES, INC.	Honolulu Seawater Air Conditioning LLC	Pacific Biotech LLC
AIG HAWAII TECHNOLOGIES, INC.	Ho'okele Health Technologies, LLC	Pacific Network, LLC
Angelin, LLC	Hookipa Media Productions, LLC	Pacific Wave Marketing, LLC
Animate Farm LLC	IFILM CONNECTIONS: ASIA & PACIFIC INC	Panthera Biopharma, LLC
Applied Marine Solutions	Innovasc LLC	PEOPLE BRIDGE INC
Archinoetics, LLC	INSYNERGY RENEWABLES LLC	Personal Health Labs, LLC
ATLANTIS CYBERSPACE INC	IRIS WIRELESS DEVELOPMENT LLC	Pipeline Micro, Inc.
Avatar Reality, Inc	Island Film Studios, LLC	PIPELINEFX LLC
BAE Systems Spectral Solutions LLC	Island Productions Project II, LLC	Pukoa Scientific
Big Island Biodiesel LLC	Island Productions Project III, LLC	RSVPstyle LLC
BIOENERGY HAWAII LLC	Kaheawa Wind Power LLC	Science and Technology International Inc
BJ Penn Enterprise, LLC	Kai Sensors, Inc.	SDC HAWAII, LLC
Black Ivory Biotech Corporation	Keahole Solar Power LLC	Servpac Inc
Blue Lava Technologies Inc.	KIC Technology 1, Inc.	Short List LLC
Broadband iTV, Inc.	KIC Technology 2, Inc.	Sopogy, Inc.
Cellular Bioengineering, Inc.	Kinetic Films	STI Medical Systems, LLC
Charles Michael Brotman Music LLC	Kolu Pohaku Technologies, LLC	STI Research, LLC
Chipln Inc.	Kuehnle Agrosystems, Inc.	Sunrise Capital, Inc
Clear Fuels Technology, Inc.	Lanai Sustainability Research, LLC	SUSTAINABLE ENERGY SYSTEMS, LLC
CONFIDANT HAWAII LLC	Makaha Studios LLC	Talisman LBS, LLC
Convergence CT, Inc.	MAKILA HYDRO LLC	TeamPraxis, LLC
DiscoveryBox, Inc.	MARLIN POWER COMPANY LLC	Tempest Production LLC
Edutainment Resources, Inc.	MAUI FRESH FISH LLC	TeraSys Technologies LLC
Epicrays LLC	MAUI AG TECH, LLC	Tissue Genesis Institute, LLC
Family Tree Productions, LLC	Mid Pacific Communications, Inc.	Tissue Genesis, Inc.
Getting That Girl LLC	MIX808, LLC.	TP Research Hawaii, LLC
GRAMCAST LLC	MMP PROJECT I LLC	Trex Hawaii, LLc
Grass Skirt Productions, LLC	Mobile Broadband, Inc.	Ua Records LLC
GREEN ENERGY HYDRO LLC	NANOPOINT, INC	uBoost, Inc.
GREEN ENERGY TEAM LLC	Natural Power Concepts, Inc	Ulua Media, LLC
Hanu Surgical Devices, LLC	Natural Remedy Labs, LLC	Vhibe Videos LLC
Hawaii Biotech, Inc.	Navatek Alternative Energy Technologies,	Waterproof Kids, LLC
Hawaii Film Partners, LLC	Navatek CFD Technologies, LLC.	Wave Peak Energy LLC.
Hawaii Oceanic Technology, Inc.	Navatek Lifting Bodies Technologies, LLC	William C. Koeppen
HAWAIII HIGH TECHNOLOGY LLC	NightTime Productions LLC	Xenon Entertainment LLC
Hi-Tech Insurance Systems Development	Ninjai Gang, LLC	Zero Emissions Projects LLC
HOANA MEDICAL, INC.	Oahu Productions, LLC	